

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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| LECINDA ZIMMERMAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. CIV-19-796-C |
| |) | |
| NEW PRIME, INC. d/b/a PRIME, INC., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION AND ORDER

Defendant has filed a Motion seeking to exclude the cumulative testimony of Plaintiff's experts. Defendant argues that Plaintiff's experts, Ponder, Hanneman, and Ziejewski will each offer testimony that Ms. Gatlin could have survived the collision if side underride protection had been installed on Defendant's trailer. According to Defendant, these three experts will also each offer opinions regarding the risk to the motoring public if side underride protection is not installed. Defendant argues having three experts testify to the same opinions is cumulative and violative of Fed. R. Evid. 403.

Defendant's Motion is not well founded. As Plaintiff notes, each of the experts approaches the issue from a different scientific discipline and each offers an opinion from the perspective of their scientific discipline. To the extent the Court finds the testimony to run afoul of Rule 403 during trial, it will take appropriate action.

For the reasons set forth herein, Defendant New Prime, Inc. d/b/a Prime Inc.'s Motion to Strike and Exclude Cumulative Expert Testimony (Dkt. No. 62) is DENIED.

IT IS SO ORDERED this 25th day of August 2021.


ROBIN J. CAUTHRON
United States District Judge